

for president, after he said that he would not;

Whereas, on September 29, 2009, the United States Department of State condemned the brazen and inappropriate use of force by the military against civilians in Guinea, and demanded the immediate release of opposition leaders and a return to civilian rule as soon as possible;

Whereas according to the United Nations Security Council Report of the International Commission of Inquiry Mandated to Establish the Facts and Circumstances of the Events of 28 September 2009 in Guinea, 156 people were killed or disappeared and at least 109 women and girls “were subjected to rape and other sexual violence, including sexual mutilation and sexual slavery”;

Whereas according to Human Rights Watch, these killings and assaults were part of a “premeditated massacre” in which the “level, frequency, and brutality of sexual violence that took place at and after the protests strongly suggests that it was part of a systematic attempt to terrorize and humiliate the opposition, not just random acts by rogue soldiers”;

Whereas the United Nations High Commissioner for Human Rights characterized the events as a “blood bath” and stated that they “must not become part of the fabric of impunity that has enveloped Guinea for decades”;

Whereas according to the humanitarian organization CARE, “What happened in Guinea is an outrage—and a stark reminder of a larger epidemic of violence against women and girls around the world.”;

Whereas Amnesty International reports that violence against women knows few bounds, and that “in armed conflicts, countless women and girls are raped and sexually abused by security forces and opposition groups as an act of war, and often face additional violence in refugee camps. Government sponsored violence also exists in peacetime, with women assaulted while in police custody, in prison, and at the hands of any number of state actors.” and that “violence against women is a violation of human rights that cannot be justified by any political, religious, or cultural claim”;

Whereas the International Commission of Inquiry of the United Nations concluded that “the crimes perpetrated on 28 September 2009 and in the immediate aftermath can be described as crimes against humanity” and that there is sufficient evidence that Captain Camara “incurred individual criminal liability and command responsibility for the events that occurred during the attack and related events in their immediate aftermath”;

Whereas, on January 15, 2010, General Sekouba Konate and Captain Camara of the Republic of Guinea and President Blaise Compaoré of Burkina Faso signed the Joint Declaration of Ouagadougou pledging to form a transitional government of national unity in Guinea, to hold elections within six months without the participation of candidates from the military junta, and to permit the entry of an international observer mission from the Economic Community of West African States; and

Whereas, in accordance with the Joint Declaration of Ouagadougou, a prime minister from the coalition of opposition forces, Forces Vives, has been named to the transitional government: Now, therefore, be it

*Resolved*, That the Senate—

(1) deplores the rape and assault of women and the killing of political protestors in Guinea;

(2) urges the prosecution, by the appropriate authorities, of those responsible for orchestrating or carrying out the violence in Guinea;

(3) urges the President, in coordination with leaders from the European Union and the African Union, to continue to consider punitive measures that could be taken against senior officials in Guinea found to be complicit in the violence, and in particular, the atrocities perpetrated against women and other gross human rights violations;

(4) encourages the President to remain actively engaged in the political situation in Guinea, and to continue to convey that the blatant abuse of women will not be tolerated;

(5) calls on President Blaise Compaoré of Burkina Faso to ensure that Captain Camara does not return to Guinea in order to allow a peaceful transition to civilian rule;

(6) notes that the first steps set forth in the Joint Declaration of Ouagadougou have been initiated with the naming of a prime minister and urges all parties to continue to adhere to the agreement to see the process through free, fair, and timely elections; and

(7) recognizes the importance of the multi-lateral observer mission to help ensure peace and security in Guinea during the period of transition.

### TRUTH IN CALLER ID ACT OF 2009

Mr. REID. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 194, S. 30.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 30) to amend the Communications Act of 1934 to prohibit manipulation of caller identification information.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the Rockefeller amendment which is at the desk be agreed to, the bill as amended be read a third time and passed, the motion to reconsider be laid on the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3325) was agreed to, as follows:

(Purpose: To revise the provision relating to the effect of the new subsection on other laws)

On page 3, beginning with line 23, strike through line 7 on page 4.

On page 8, between lines 17 and 18, insert the following:

“(7) EFFECT ON OTHER LAWS.—This subsection does not prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a political subdivision of a State, or of an intelligence agency of the United States.

On page 8, line 18, strike “(7)” and insert “(8)”.

On page 9, line 18, strike “(8)” and insert “(9)”.

The bill, as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 30

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the “Truth in Caller ID Act of 2009”.

### SEC. 2. PROHIBITION REGARDING MANIPULATION OF CALLER IDENTIFICATION INFORMATION.

Section 227 of the Communications Act of 1934 (47 U.S.C. 227) is amended—

(1) by redesignating subsections (e), (f), and (g) as subsections (f), (g), and (h), respectively; and

(2) by inserting after subsection (d) the following new subsection:

“(e) PROHIBITION ON PROVISION OF INACCURATE CALLER IDENTIFICATION INFORMATION.—

“(1) IN GENERAL.—It shall be unlawful for any person within the United States, in connection with any telecommunications service or IP-enabled voice service, to cause any caller identification service to knowingly transmit misleading or inaccurate caller identification information with the intent to defraud, cause harm, or wrongfully obtain anything of value, unless such transmission is exempted pursuant to paragraph (3)(B).

“(2) PROTECTION FOR BLOCKING CALLER IDENTIFICATION INFORMATION.—Nothing in this subsection may be construed to prevent or restrict any person from blocking the capability of any caller identification service to transmit caller identification information.

“(3) REGULATIONS.—

“(A) IN GENERAL.—Not later than 6 months after the date of enactment of the Truth in Caller ID Act of 2009, the Commission shall prescribe regulations to implement this subsection.

“(B) CONTENT OF REGULATIONS.—

“(i) IN GENERAL.—The regulations required under subparagraph (A) shall include such exemptions from the prohibition under paragraph (1) as the Commission determines is appropriate.

“(ii) SPECIFIC EXEMPTION FOR LAW ENFORCEMENT AGENCIES OR COURT ORDERS.—The regulations required under subparagraph (A) shall exempt from the prohibition under paragraph (1) transmissions in connection with—

“(I) any authorized activity of a law enforcement agency; or

“(II) a court order that specifically authorizes the use of caller identification manipulation.

“(4) REPORT.—Not later than 6 months after the enactment of the Truth in Caller ID Act of 2009, the Commission shall report to Congress whether additional legislation is necessary to prohibit the provision of inaccurate caller identification information in technologies that are successor or replacement technologies to telecommunications service or IP-enabled voice service.

“(5) PENALTIES.—

“(A) CIVIL FORFEITURE.—

“(i) IN GENERAL.—Any person that is determined by the Commission, in accordance with paragraphs (3) and (4) of section 503(b), to have violated this subsection shall be liable to the United States for a forfeiture penalty. A forfeiture penalty under this paragraph shall be in addition to any other penalty provided for by this Act. The amount of the forfeiture penalty determined under this paragraph shall not exceed \$10,000 for each violation, or 3 times that amount for each day of a continuing violation, except that the amount assessed for any continuing violation shall not exceed a total of \$1,000,000 for any single act or failure to act.

“(ii) RECOVERY.—Any forfeiture penalty determined under clause (i) shall be recoverable pursuant to section 504(a).

“(iii) PROCEDURE.—No forfeiture liability shall be determined under clause (i) against any person unless such person receives the notice required by section 503(b)(3) or section 503(b)(4).

“(iv) 2-YEAR STATUTE OF LIMITATIONS.—No forfeiture penalty shall be determined or imposed against any person under clause (i) if the violation charged occurred more than 2 years prior to the date of issuance of the required notice or notice of apparent liability.

“(B) CRIMINAL FINE.—Any person who willfully and knowingly violates this subsection shall upon conviction thereof be fined not more than \$10,000 for each violation, or 3 times that amount for each day of a continuing violation, in lieu of the fine provided by section 501 for such a violation. This subparagraph does not supersede the provisions of section 501 relating to imprisonment or the imposition of a penalty of both fine and imprisonment.

“(6) ENFORCEMENT BY STATES.—

“(A) IN GENERAL.—The chief legal officer of a State, or any other State officer authorized by law to bring actions on behalf of the residents of a State, may bring a civil action, as *parens patriae*, on behalf of the residents of that State in an appropriate district court of the United States to enforce this subsection or to impose the civil penalties for violation of this subsection, whenever the chief legal officer or other State officer has reason to believe that the interests of the residents of the State have been or are being threatened or adversely affected by a violation of this subsection or a regulation under this subsection.

“(B) NOTICE.—The chief legal officer or other State officer shall serve written notice on the Commission of any civil action under subparagraph (A) prior to initiating such civil action. The notice shall include a copy of the complaint to be filed to initiate such civil action, except that if it is not feasible for the State to provide such prior notice, the State shall provide such notice immediately upon instituting such civil action.

“(C) AUTHORITY TO INTERVENE.—Upon receiving the notice required by subparagraph (B), the Commission shall have the right—

“(i) to intervene in the action;

“(ii) upon so intervening, to be heard on all matters arising therein; and

“(iii) to file petitions for appeal.

“(D) CONSTRUCTION.—For purposes of bringing any civil action under subparagraph (A), nothing in this paragraph shall prevent the chief legal officer or other State officer from exercising the powers conferred on that officer by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

“(E) VENUE; SERVICE OR PROCESS.—

“(i) VENUE.—An action brought under subparagraph (A) shall be brought in a district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

“(ii) SERVICE OF PROCESS.—In an action brought under subparagraph (A)—

“(I) process may be served without regard to the territorial limits of the district or of the State in which the action is instituted; and

“(II) a person who participated in an alleged violation that is being litigated in the civil action may be joined in the civil action without regard to the residence of the person.

“(7) EFFECT ON OTHER LAWS.—This subsection does not prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a political subdivision of a State, or of an intelligence agency of the United States.

“(8) DEFINITIONS.—For purposes of this subsection:

“(A) CALLER IDENTIFICATION INFORMATION.—The term ‘caller identification infor-

mation’ means information provided by a caller identification service regarding the telephone number of, or other information regarding the origination of, a call made using a telecommunications service or IP-enabled voice service.

“(B) CALLER IDENTIFICATION SERVICE.—The term ‘caller identification service’ means any service or device designed to provide the user of the service or device with the telephone number of, or other information regarding the origination of, a call made using a telecommunications service or IP-enabled voice service. Such term includes automatic number identification services.

“(C) IP-ENABLED VOICE SERVICE.—The term ‘IP-enabled voice service’ has the meaning given that term by section 9.3 of the Commission’s regulations (47 C.F.R. 9.3), as those regulations may be amended by the Commission from time to time.

“(9) LIMITATION.—Notwithstanding any other provision of this section, subsection (f) shall not apply to this subsection or to the regulations under this subsection.”.

### EARLY CANCER DETECTION MONTH

Mr. REID. I ask unanimous consent that the Health, Education, Labor, and Pensions Committee be discharged from further consideration of H. Con. Res. 158 and the Senate proceed to the consideration of that matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 158) expressing support for the designation of an Early Detection Month for breast cancer and all forms of cancer.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mrs. HAGAN. Mr. President, I rise in support of Senate passage of H. Con. Res. 158, the House companion to a resolution I introduced last August to highlight greater awareness of breast and other cancers by designating an early cancer detection month. This House resolution is sponsored by my good friend and colleague from North Carolina, Congressman BOB ETHERIDGE.

Almost every person has been touched by cancer, either personally or through a family member or friend who has suffered from some form of the disease. Sadly, every year, more than 2 million new cases of cancer are diagnosed in the United States.

The most common forms of cancer diagnosed in Americans are skin cancer, breast cancer in women, prostate cancer in men, lung cancer, and colorectal cancers. And it is estimated that in 2009, over half a million Americans died from all types of cancer.

Last year, in North Carolina, there were an estimated 42,270 new cases of cancer and more than 18,000 deaths due to cancer. Of those lost, 1,300 deaths were from breast cancer in women and 860 deaths from prostate cancer.

Current cancer treatments include surgery, radiation, chemotherapy, hormone therapy, biological therapy, and targeted therapy; however, there is no

cure. Many oncologists and breast cancer researchers believe that a cure for breast cancer will not be discovered until well into the future.

However, we cannot sit idly by while we wait for a cure. Instead, we must continue to support organizations, health care providers, and even our friends who work so hard to raise awareness about cancer, particularly cancer prevention and early detection. Fortunately, many forms of cancer can be prevented altogether, such as skin cancer and lung cancer. In addition, at least half of all new cancer cases can be prevented or detected earlier by screening, and if detected early enough, more than 75 percent of all people could be saved when cancer is most treatable.

For breast cancer, early detection has been proven to reduce mortality. This is encouraging, due to the fact that 1 in 8 women in the United States will develop breast cancer in her lifetime.

In 2008 alone, the overall cost of cancer in the United States was estimated at \$228.1 billion. Greater awareness and early detection of all cancers will not only save tens of thousands of lives, but also greatly reduce the financial strain on the government and private health care services by detecting cancer before it requires very expensive treatment.

Cancer has taken an enormous toll on our society’s health and economy. But this disease, in all its forms, is often detectable at early stages. By designating a month to focus on early detection for breast cancer and all other forms of cancer, we will address some of the principle challenges that inhibit screening and prolong detection. Enhanced awareness and screening are the keys to reducing morbidity and mortality from cancer and reducing the financial and emotional stress that this disease places on Americans.

I want to thank Senator RICHARD DURBIN for joining me in cosponsoring the Senate resolution. I also would like to thank Representative ETHERIDGE for sponsoring the House companion, which passed on January 21. I am extremely pleased that both Chambers have been supportive of this issue and that the Senate is adopting this concurrent resolution today.

Mr. REID. I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, that there be no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 158) was agreed to.

The preamble was agreed to.

### RECOGNIZING THE AMERICAN KENNEL CLUB

Mr. REID. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of